

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2012 JUL 20 PM 2:44

EARL DANIEL COOPER,

Petitioner,

v.

RICK THALER,
Director, Texas Dep't of Criminal Justice,
Correctional Institutions Division,

Respondent.

§
§
§
§
§
§
§
§
§
§

2:12-CV-145

DEPUTY CLERK 

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On July 2, 2012, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's habeas petition be dismissed as successive. On July 13, 2012, petitioner filed objections to the Report and Recommendation.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by petitioner to the Report and Recommendation. Petitioner contends the Magistrate Judge incorrectly recited the grounds of error petitioner presents in this petition. Even if petitioner were correct in his assertion, the fact remains that this Court is bound by 28 U.S.C. § 2244(b)(3)(A) and is without jurisdiction to review the instant petition on the merits without authorization from the Fifth Circuit. *See Adams v. Thaler*, 679 F.3d 312, 321 (5th Cir. 2012). Consequently, the objections filed by petitioner are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 20th day of July 2012.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE